C.F. 71.

1937. PRT

Department of Revenue

OFFICE Board of Revenue

STATION Madras

Mis No. 3532

B.3396/37

Dated 15-11-37

22.11.37
ML

Pages in the file 28 CF + 6 NF

(SUBJECT.)

Land - Poromboke - (South Kanara) - Mangalore Taluk - Baikampadi village - S No. 10/1 - Reservation for rearing and cutting Kaje grass - Shama Ra + others - Petition - Dismissed.

Full Board
J.S.(A)
A.S.(L.R.)

11/- Issued as Bdi ref. B 1796/37-2 dt/16.11.37)
13 cf B. 5872/37

To A.S.(L.R.)

Please see the ~~note and order at pa~~ ~~the Bdi ref. at~~ ~~and the~~ Coll's reports at Pp. 9 cf, 13 cf 7 cf.

2/ The Coll. has submitted proposals for the alienation of S. No. 684-3 of Kottur village, Kudligi Tk measuring 3 cents with the building thereon in favour of the Dt. Bd, Bellary, for use as a rural dispensary. The 25-27 cf Dt. Bd has agreed to the conditions of alienation. The proposals are complete.

3/ The market value of the land 22 cf with the old chavadi is Rs 500/-. The capitalised value of the land revenue ~~in the present case~~ is Rs 9-6-0. 21 cf The Board (full Board) is competent to sanction the alienation of land, land revenue and building. ~~The proposals may be sanctioned.~~

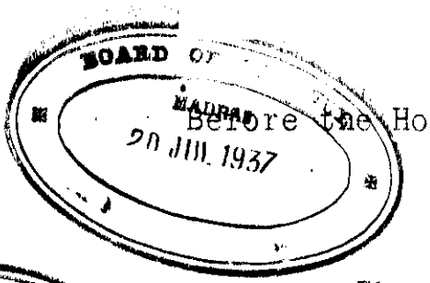
R.S.(M.) 24.11.37. ~~proceedings~~.

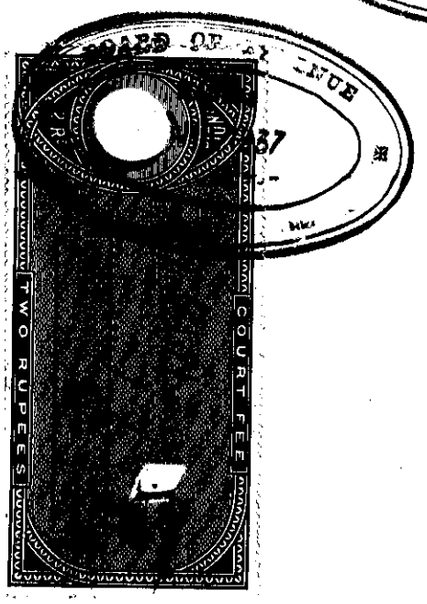
4/12 6/12/37. J.S.(A) 7.12.37

M.3 8/12

M.2

M.1





Before the Honorable ~~the~~ Members of the Board of Revenue, Madras.

The undermentioned landholders of Tannirbhavi and Panamboor villages in the District of South Kanara beg to lay their following grievances for the kind consideration of this Honorable Board in the humble and fervent hope of getting redress:-

1. That from time immemorial the landholders of Tannirbhavi and Panamboor villages were enjoying S.No.10/1 of Baikampady village in Mangalore Taluq which is of the extent of 39 acres 15 cents as it was best suited for the raising of Kaje grass which supplies good manure for their cultivating fields.

2. The petitioners' contention is borne out by the order No.355 of Fasli 1261 (84 years ago) which shows that the said S.No. was reserved exclusively for the said purpose; and the privilege was being enjoyed by these 2 villagers without any interference by the other villagers.

3. The petitioners are in possession of orders of Revenue Courts wherein the above right was protected by the benign Government and the said documents have been stated in detail herebelow

(a) Order No.60 of 1851 wherein the Tahsildar directed the Shanbhog of Panamboor to warn people from Pejavar from taking the grass from the plot in

question and wherein it is also observed that the said grass is to be utilised by the wargdars of Panamboor and Tannirbhavi (Order dated 26-12-1261 Fasli).

(b) Order No.384 of the Head Assistant Collector to the Tahsildar dated 29-11-1265 Fasli which also warned the residents of Thokoor, Kenjar and Padu-Kodi villages from interfering with the rights of the wargdars of Panamboor and Tannirbhavi villages and from removing the grass.

(c) Order of the Tahsildar of Mangalore. No.86 dated 30-11-1265 Fasli communicating the above order 384 wherein also it is made clear that the Kaje grass from the plot in question is to be taken exclusively by the villagers of Tannirbhavi and Panamboor.

(d) Darcast applications seeking for assignment of portions of the plot was refused by the Revenue department on the distinct understanding that the said area was reserved as poromboke for raising of Kaje grass as mentioned above and to mention only a few of them R.No. 130/88, R.No. 488/88, No. 246 dated 20-11-1861, No. 34 dated 31-10-1861 and Dis. 695/1319 dated 16-1-1910 which are produced, before the Collector in R.A. 31/36.

(e) this right and privilege of these two

villages was even protected by the Civil Court in O.S.257/1909 wherein some of the predecessors in title of the petitioners sued 2 persons who tried to interfere with their rights and the Court observed "that the plot has been granted by Government more than 40 years ago exclusively to the wargdars of of Tannirbhavi and to some wargdars of Panamboor for the cultivation of their lands in thoes 2 villages and that no other person has any Kumaki right over it

(f) Manna Register of 30-1-1894 also shows the plot as having been reserved for the use of only the above 2 villages.

(g) After the settlement the Collector by his Dis.No.139 R/07 dated 13-4-1907 ordered the reservation of the plot on the recommendation of the Revenue Divisional Officer.

4. The petitioners may be permitted to point out that it is clear beyond all doubt that the plot was reserved exclusively and absolutely for the benefit of the 2 villages (Tannirbhavi and Panamboor) and that the wargdars or other villages have no right whatever to trespass on the same or to remove any grass therefrom.

5. The petitioners have not been able produce the order No.355 of Fasli 1261 (referred

to in para 3 (a) above) but the said order has been referred to in the succeeding orders passed by the Head Assistant Collector and Tahsildars as mentioned above.

6. Lastly in 1911 the said order is referred to by the Revenue Inspector in his report dated 15-7-1911 wherein it says "S.No.107/1 of Baikampadi village was reserved under Collector's disposal order No.355 Fasli 1261 for the use of the wargdars ~~an~~ of Tannirbhavi and some wargdars of Panamboor exclusively".

7. That in 1935 however some of the residents of Thokoor and Kenjar villages forcibly removed Kaje grass from the said plot which formed the subject matter of Cal Case 418/35 on the file of the Stationary II Class Magistrate Mangalore and to the great misfortune of petitioners the Sub Magistrate was pleased to discharge the accused on the ground that it was not proved before him that the plot is reserved for the exclusive benefit of the petitioners, and also observing that the judgment of the Civil Court (referred to in para 3 clause e) is not binding on him as the Government is not party to it and that it is open to thepetitioners to seek redress in a Civil Court.

8. The order of the Sub Magistrate has prejudiced the petitioners in more ways than one as it has given a handle to the villagers of Kenjar and Thokoor and many other villages, to

interfere with petitioners' longstanding enjoyment and possession and there is no other land either in Tannirbhavi or Panamboor for the use of the petitioners.

9. It being doubtful whether petitioners' right would be recognised by Civil Courts (as the plot remains as poromboke) the petitioners applied to the Collector of South Kanara but as their request was not complied with, they have now approached this Honorable Board as at present the petitioners will be unnecessarily put to serious loss if other villagers are encouraged to trespass into the plot and remove the grass which was hitherto being enjoyed by the petitioners.

10. The petitioners therefore humbly pray that this Honorable Board might under the circumstances be pleased to protect the rights of petitioners by reserving the plot for the rearing and cutting of Kaje grass exclusively by the villagers of Tannirbhavi and Panamboor and that the wargdars of Kenjar, Thokoor and other villages may be directed not to interfere with the said plot or remove any grass from it.

(Errors only)

Mangalore,
7 - 7 - 1937

1 P. Shama Rau Panambur

2. P. B. Shishaffaya Panambur

3. [illegible]

4 P. Krishna Karantha
Tannirbhavi

5. T. Padmanabhaiya Tannirbhavi.

6. [illegible]

11/ 7 P Sankarappa Panambur

8. [illegible]

9 P G. Thakkar Thattu Panambur

[illegible]

11 T. Ramachandra. Thannirbhavi

12 D. Krishna Rao. Thannirbhavi

13 D. Narayan Rao. Thannirbhavi

14 [illegible]

15 [illegible]

16 [illegible]

17. A. Madappayya Thannirbhavi

18. V. Subba Rao Thannirbhavi

19. P. P. Puttannaya. Panambur

20. [illegible]

21 [illegible]

22. P. T. Thimmappaya

Thannirbhavi

23 [illegible]

24 [illegible]

25 T. A. Laxminarayan Rao.

Tannirbhavi.

26 [illegible] Village [illegible]

27 [illegible]

28 P. Krishna Rau

Panambur

29 [illegible]

30 [illegible]

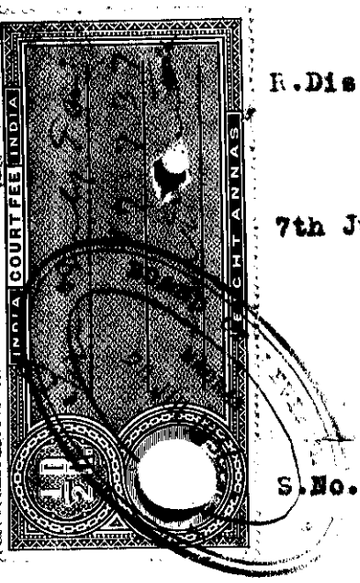
31 [illegible]

List of documents produced before the Collector in R. Dis. No.6134/1936 (X)

p 63 (X)	1.	26-12-1261	Certified copy of order No.60/80 by the Tahsildar of Mangalore to Panamboor Shanbhogue.
p 67	2.	29-11-1265	Certified copy of the order No.384/384 by the Head Asst.Collector to the Tahsildar of Mangalore Taluq.
p 71	3.	30-11-1865	Certified copy of order No.86/86 by the Tahsildar to the Panamboor Shanbhogue.
p 75	4.	20-10-1861	Certified copy of order No.246 by the Head Asst.Collector to the Tahsildar.
p 77	4(a)	31-10-1861	Certified copy of order by the Tahsildar to the Panamboor Shanbhogue.
p 81	(b)	23-4-1888	Certified copy of order No.428/88 in respect of Darcast petition by Inas Naika.
p 85	(c)	16- 1-1910	Certified copy of the order of Tahsilda of Mangalore in D.R.Case No.339/1319 and Dis.No.695/1319.
p 91	5.	6- 8-1910	Certified copy of judgment in O.S.No. 257/1909 on the file of the Mangalore District Munsif's Court.
p 93	6.	30- 1-1894	Certified copy of Yadast in respect of NannaRegister of Panamboor Kasba Tarph.
p 95	7.	13- 4-1907	Certified copy of the proceedings of the Collector of South Kanara in D.Dis No.159-R/07
p 97	8.	28- 6-1910	Endorsement order of the Collector of South Kanara issued to Vakil Sheenapaya in respect of latter's application for copy of order No.355 of Fasli 1261, namely petition No.307/1910.
p 99	9.	15- 7-1911	Certified copy of report by the Revenue Inspector in N.Dis I.R.19/1321.
p 103	10.	31- 3-1936	Certified copy of the order of the Stationary II Class Magistrate passed in C.C.No.418/35.

Mangalore,
17 - 7 - 1937.

P. L. Shankappa



R.Dis.No.6134/36.

15

Proceedings of the Collector of South Kanara, dated the 7th June 1937.

T. A. Varghese, Esq., I.C.S.

Poramboke - Mangalore Taluk - Baikampadi village - S.No.10/1 - alteration of the existing registry - Refused.

Petition, dated 1.11.1936 from P. Shama Rao, son of Vakil Sheenappaya and other residents of Panambur and Thannirbhavi villages, Mangalore Taluk, represented by Vakils, Messrs. K. R. Achar and P. Srinivasa Rao, Mangalore.

2. Counter petition, dated 29.1.1937 from Rajappa Pujari, nephew of Manjappa Pujari and other residents of Thokur and Kenjur villages, Mangalore Taluk.

3. Mangalore Revenue Divisional officer's reports, N.Dis. 6230-36, dated 2.2.1937, N.Dis.621-37, dated 3.2.1937, N.Dis. 747-37, dated 9.2.1937 and D.Dis. 976-37, dated 5.5.1937.

4. Government Pleader's reply, dated 25.5.1937.

The existing registry of the plot (S.No.10-1 of Baikampadi village) as poramboke shall stand.

(By Order)

Huzur Sheristedar.

8.6.37

To the petitioners through their Vakil, Mr. P. Srinivasa Rao, Mangalore.

To the counter-petitioners through Rajappa Pujari nephew of Manjappa Pujari, Thokur village, Mangalore Taluk.

Copies to the Rev. Divisional officer, Mangalore and the Tahsildar, Mangalore with Taluk 263 R/1911.

17 P 25.9.37
25-10-37 J.F.11

Land - Perambore - (South Kanara) - Mangalore Taluk - Baikampadi village - S No. 10/1 - Reservation for rearing + cutting kaje grass - Petn.

p1 CF

DESPATCH
Revenue
31-8-37

Read: Petition from P. Shama Rao & others dated 13-7-37. -Q

Board's Refee No. B. 3396/37-1 D/25.8.37

Forwarded to the Collr of South Kanara for submission of the records with any remarks which he considers necessary regarding the allegations in the petition which are not clearly dealt with in the records.

2. The petrs are directed to produce before 25-9-37 copies of the records mentioned in the list enclosed with their petition.

p13 CF

Collr 24.8.37 and stated to have been subd to the Govt.

Sd 24/8/37.

AL 25837.

To

GD 31/8 The Collr of South Kanara with a petn & enclosure - p1-16 CF to be returned with reply - para only

The petrs - para 2 only
P. Shama Rao
Panambur village
Mangalore Taluk
South Kanara Dt.

TO. ABLN:

Draft Instruction